

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 23rd June 2015

Subject: Review of the Premises Licence for Trinity, Wesley Square, Pudsey, Leeds, LS28 7AB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Pudsey	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of Trinity, Wesley Square, Pudsey, Leeds, LS28 7AB. The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

- 1.1 This report provides Members with the background and history to the making of the review application made by West Yorkshire Police (attached at **Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs members of the options available to them when reviewing a premises licence.
- 1.2 Members should note that Leeds City Council Licensing Authority have submitted a representation to supplement the application made by West Yorkshire Police.

2.0 Background Information

An application for the grant of a premises licence was received by the licensing authority on 25th September 2007 for these premises. The application specified the trading name as Wesley's and attracted representations from West Yorkshire Police, Leeds City Council Health & Safety Team and the Environmental Protection Team.

Suggested measures were offered by each of the above authorities and agreements reached negating the need for a hearing. The licence was therefore granted as requested, subject to the agreed measures forming part of the operating schedule of the licence.

Over the years several applications have been made to transfer the licence and vary the Designated Premises Supervisor.

The current holder of the premises licence; Trinity Pub Company Limited, was appointed on the 6th February 2015. West Yorkshire Police were served with a copy of the application and did not make representation. The licence subsequently granted as applied for.

As detailed at 4.1 of this report, Mr Michael Thornton is the current Designated Premises Supervisor. The application to appoint Mr Thornton in this position was received by the local authority on 18th March 2015. As above, no representation was received from West Yorkshire Police.

- 2.1 The history of enforcement action taken at the premises can be found in the licensing authority's representation at 7.2 of this report.

3.0 Premises Licence

- 3.1 The premises licence holder is Trinity Pub Company Limited.

- 3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

Sale by retail of alcohol

Indoor sporting events

Boxing or wrestling entertainment

Performance of live music

Performance of dance

Entertainment similar to live music, recorded music or dance

10:30 until 01:00 hours Sunday to Wednesday

10:30 until 03:00 hours Thursday to Saturday

Performance of Recorded Music

10:30 until 01:30 hours Sunday to Wednesday

10:30 until 03:30 hours Thursday to Saturday

Times when the premises are open to the public:

10:30 until 02:00 hours Sunday to Wednesday

10:30 until 04:00 hours Thursday to Saturday

The non-standard timings are authorised by the licence:

An additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May day, Spring/Whitsun and August Bank Holiday weekends.

An additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for each Easter Bank Holiday weekends.

An additional hour into the morning following every Christmas Eve, Boxing Day and New Year's Eve.

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Michael Craig Thornton.

5.0 Location

5.1 A map which identifies the location of the premises can be found at **Appendix C** of this report.

6.0 Main Issues

6.1 The application to review the licence relates to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

In summary, the grounds for review are that from August 2014 to the present time there have been increased calls for service at the premises in relation to assaults, rape, disorder, wounding and serious assault.

Despite meetings with the premises licence holder, designated premises supervisor and other managers in October, November and January, further woundings and serious assaults have taken place at the venue in November, December and February.

A further breach of licence conditions and complaints regarding fireworks, children and capacity numbers at an event in March 2015 required West Yorkshire Police to serve a Section 19 Closure Notice on the premises.

A witness statement provided by the Divisional Licensing Officer for West Yorkshire Police can be found at **Appendix D** of this report. The statement expresses belief that the current Designated Premises Supervisor should be allowed to try and ensure the safety of his customers whilst upholding the licensing objectives.

In addition to the application, West Yorkshire Police have provided supplementary evidence to support the review application which is attached at **Appendix E** for Members consideration. Included is a chronology of events leading up to the review, minutes following meetings with management at the premises, e-mail exchanges, promotional material and a suggestion of measures for Member's consideration.

7.0 Relevant Representations/Letters of Support

7.1 Under the Act, representations can be received from responsible authorities and/or other persons. Representations must be relevant and in the case of other people, must not be frivolous or vexatious.

7.2 A letter in support of the review application has been received from the Licensing authority outlining enforcement measures that have been taken at these premises. Member's attention is drawn to **Appendix F**.

8.0 Matters Relevant to the Application

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix G**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

- 11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

12.0 Background Papers

- 12.1 Guidance issued under s182 Licensing Act 2003
12.2 Leeds City Council Statement of Licensing Policy

Appendices

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| Appendix A | Review Application |
| Appendix B | Premises Licence |
| Appendix C | Location Map |
| Appendix D | Witness Statement |
| Appendix E | Supplementary Information |
| Appendix F | Licensing Authority's Representation |
| Appendix G | Extract from S182 Guidance |